



Saint Paul Planning Commission

City Hall Conference Center Room 41
15 Kellogg Boulevard West

Christopher B. Coleman,
Mayor

(Note Room Changes)

Steering Committee Meeting – 8:00 a.m., Room 42

Saint Paul
Planning Commission

Agenda

March 12, 2010
8:30 – 11:00 a.m.

Chair
Kathi Donnelly-Cohen
First Vice Chair
Jon Commers
Second Vice Chair
Kristina Smitten
Secretary
Marilyn J. Porter

I. Approval of minutes of February 19, 2010

II. Chair's Announcements

III. Planning Director's Announcements

IV. Zoning Committee

SITE PLAN REVIEW – List of current applications. *(Tom Beach, 651/266-9086)*

Minor Text Amendments for Chapters 60 and 61 of the Zoning Code – Adoption of resolution recommending approval to Mayor and City Council.
(Kate Reilly, 651/266-6618)

V. Comprehensive Planning Committee

Off-Street Parking Requirements and Design Standards – Adoption of resolution recommending approval to Mayor and City Council.
(Merritt Clapp-Smith, 651/266-6547)

VI. Neighborhood Planning Committee

District del Sol Zoning Study – Recommendation to release draft for public review and schedule a public hearing on April 23, 2010. *(Lucy Thompson, 651/266-6578)*

City Council Resolution (3077776) Requesting Study of Sign Regulation Issues – Recommendation to release draft for public review and schedule a public hearing on April 23, 2010. *(Emily Goodman, 651/266-6551)*

VII. Communications Committee

VIII. Task Force Reports

IX. Old Business

Brian Alton
Pat Connolly
Anthony Fernandez
Gene Gelgelu
Erick L. Goodlow
Bree Halverson
Richard Kramer
Michael Margulies
Paula Merrigan
Gaius Nelson
Tony Schertler
Robert Spaulding
Terri Thao
Daniel Ward II
Barbara A. Wencil
David Wickiser
Roxanne Young

Planning Director
Donna Drummond

X. New Business

XI. Adjournment

Planning Commission Members: PLEASE call Sonja Butler, 651/266-6573, if unable to attend.

**Saint Paul Planning Commission &
Heritage Preservation Commission**
MASTER MEETING CALENDAR

WEEK OF MARCH 8-12, 2010

Mon (8)

Tues (9)

4:00- Comprehensive Planning Committee
5:30 p.m. (Penelope Simison, 651/266-6554)

Room 1106 – CHA
25 Fourth Street W.

Off-Street Parking Requirements and Design Standards:

Staff report – summary of committee actions at February 16 meeting.

Travel Demand Management (TDM) – revised text.

(Merritt Clapp-Smith, 651/266-6547)

6:00- Smith Avenue Revitalization Task Force
8:00 p.m. (Kate Reilly, 651/266-6618)

Cherokee Bank
607 Smith Avenue S.
Saint Paul, MN. 55107

Analysis of strengths, weaknesses, opportunities and threats for the study area.

Weds (10)

3:30- Neighborhood Planning Committee
5:00 p.m. (Luis Pereira, 651/266-6591)

Room 1106 – CHA
25 Fourth Street W.

District del Sol Zoning Study – briefing, with staff recommendation to send to Planning Commission on March 12, 2010 to release it for public review and set a public hearing date of April 23, 2010. (Lucy Thompson, 651/266-6578)

Discuss new plan template and process for small area and district plans.
(Merritt Clapp-Smith, 651/266-6547)

Thurs (11)

(NOTE ROOM CHANGE)
5:00 p.m. Heritage Preservation Commission

Room 41 City Hall
Lower Level
Enter building on 4th Street
15 W. Kellogg Blvd.

New Business/Discussion

Discuss Public Art in Historic Districts

Committee Reports

Public Safety building, 106 Process update (Manning, Igo) – review the process and buildings recommended for designation studies.

3M Workgroups/Advisory Committee (Trimble, Mazanec)

Fri (12) (NOTE ROOM CHANGES)

8:00 a.m. Planning Commission Steering Committee
(Donna Drummond, 651/266-6556)

Room 42 City Hall
Conference Center
15 Kellogg Blvd.

8:30- Planning Commission Meeting
11:00 a.m. (Donna Drummond, 651/266-6556)

Room 41 City Hall
Conference Center
15 Kellogg Blvd.

Zoning..... SITE PLAN REVIEW – List of current applications. (Tom Beach, 651/266-9086)

Minor Text amendments for Chapters 60 and 61 of the Zoning Code – Adoption of resolution recommending approval to Mayor and City Council.
(Kate Reilly, 651/266-6618)

Comprehensive Planning

Committee..... Off-Street Parking Requirements and Design Standards – Adoption of resolution recommending approval to Mayor and City Council.
(Merritt Clapp-Smith, 651/266-6547)

Neighborhood Planning

Committee..... District del Sol Zoning Study – Recommendation to release draft for public review and schedule a public hearing on April 23, 2010. (Lucy Thompson, 651/266-6578)

City Council Resolution (3077776) Requesting Study of Sign Regulation Issues – Recommendation to release draft for public review and schedule a public hearing on April 23, 2010. (Emily Goodman, 651/266-6551)

**Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West**

Minutes February 19, 2010

A meeting of the Planning Commission of the City of Saint Paul was held Friday, February 19, 2010 at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Donnelly-Cohen, Halverson, Merrigan, Smitten, Wencl, Young; and Messrs. Alton, Connolly, Fernandez, Gelgelu, Kramer, Nelson, Schertler, Ward, and Wickiser.

Commissioners Absent: Mmes. *Porter, *Thao, and Messrs. *Commers, *Goodlow, *Margulies, and *Spaulding.

*Excused

Also Present: Donna Drummond, Planning Director; Don Ganje, Parks and Recreation, Amy Filice, Patty Lilledahl, Lucy Thompson, Allan Torstenson, Patricia James, Kate Reilly, Jessica Rosenfeld, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes February 5, 2010.

MOTION: *Commissioner Wencl moved approval of the minutes of February 5, 2010. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Donnelly-Cohen announced that the orange colored papers given to the commissioners are the Planning Commission committee assignments, their confidential contact information used for city staff only and the public contact information which is posted on the web.

III. Planning Director's Announcements

Donna Drummond reported that on February 10, 2010 the City Council approved the Downtown Station Area Plan. Also on February 17, 2010 the City Council approved a resolution recommending/directing establishment of a transportation committee of the Planning Commission. Councilmember Stark, the author of the resolution, sent out a letter to the Planning Commission explaining the reasons he proposed it. The resolution was approved at City Council unanimously and a copy was distributed to the commissioners today.

Ms. Drummond announced that the Steering Committee met today right before the Planning Commission meeting and they discussed this proposal and how they would start to implement it. This will require a by-law change by the Planning Commission, which the Steering Committee will consider at one of its next meetings.

Also, there was concern that the City had a bicycle advisory board, which was created about 20 years ago and was focused on one mode of transportation. Councilmember Stark was interested in having a broader discussion about transportation and how it intersects with land use planning and development decisions. Logically that should be part of the Planning Commission discussions.

There was also a desire to have a broader representation from the various modes of transportation. The structure of this committee will be new in that it will include non-Planning Commission members representing various transportation-related interests. However, the Planning Commission chair will appoint the non-Planning Commission members and their recommendations will go through the full Planning Commission. Ms. Drummond will continue to work with the Steering Committee on figuring out the details of establishing this committee.

IV. PUBLIC HEARING:

Chair Donnelly-Cohen announced that the Saint Paul Planning Commission was holding a public hearing on the Minor Text Amendments for Chapters 60 and 61 of the Zoning Code. Notice of the public hearing was published in the Legal Ledger on January 18, 2010, and was sent to the citywide Early Notification System list and other interested parties.

Kate Reilly, PED staff, stated that the materials in the commissioners' packets explain the Minor Text Amendments, which address Chapters 60 and 61 of the zoning code. Minor amendments to the other chapters will be covered in future studies.

Commissioner Alton said that Section 61.105 of the proposed draft adds a sentence that says; if the use approved is no longer permitted because this code has been amended, the use must meet the requirements of Section 61.803. That refers to the use being approved and a situation where the ordinances change and construction commences. Has the city attorney reviewed that provision?

Ms. Reilly said yes, they have done significant review with the city attorney.

Chair Donnelly-Cohen read the rules of procedure for the public hearing.

No one spoke.

MOTION: *Commissioner Ward moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, February 22, 2010, and to refer the matter back to the Zoning Committee for review and recommendation. Commissioner Schertler seconded the motion. The motion carried unanimously on a voice vote.*

V. Zoning Committee

SITE PLAN REVIEW – List of current applications. (Tom Beach, 651/266-9086)

No items.

NEW BUSINESS

#10-013-379DMB LLC – Rezoning from B3 General Business to I1 Industrial. 780 Rice Street, SE corner at Sycamore. (*Patricia James, 651/266-6639*)

Commissioner Kramer said that the Zoning Committee was split on the proposed rezoning with a 3-3 vote, and therefore has no recommendation for the Planning Commission. The commissioners have two resolutions for their consideration, one to be used for recommending approval of the rezoning and the other to be used for denial of the rezoning.

Commissioner Kramer stated he did not vote in favor of the rezoning because he thought that it was inconsistent with the 2005 Rice Street Plan, which had a very specific recommendation against rezoning for more industrial on Rice Street.

MOTION: *Commissioner Alton moved the staff's recommendation to approve the rezoning. Commissioner Wencil seconded the motion.*

Commissioner Alton said that this is a very small parcel of land that was all zoned industrial for many, many years. It was rezoned to B3 after Dairy Queen was established on the corner. It is surrounded by industrial-zoned property. The applicant has established a good business and they need this additional space for the operation of their business. Excluding the other industrially zoned property, the applicant's property is about 3 ½ acres of land, and the site proposed for rezoning is about 7% of this total area. It makes more sense to have this portion zoned the same as the surrounding zoning on that lot. He stated that the commission should not base its decision solely on a statement in the Rice Street Plan that says the plan does not recommend additional industrial land uses. The plan does not prohibit it, it just doesn't recommend it.

Commissioner Ward spoke against approving the rezoning. He stated that the parcel was zoned B3 and has always been B3. Commissioner Ward presented a copy of the Rice Street Small Area Plan and 40 acre study with a map that shows the previous uses all along that intersection as well as the changes that were made.

Commissioner Ward said that the B3 zoning restricts auto use businesses to a certain degree. If all of the applicant's parcels become I1, the neighbors and neighborhood are concerned that the code states that if it is all I1 anything can go there. It could become a used car lot or a check cashing place - there are lots of different uses permitted in I1 that don't have to go before the neighborhood. If it stays B3 a variance or conditional use permit would be needed. If it gets changed to vehicular parking, then there can be conditions put on that property.

Commissioner Schertler asked for staff's reasoning for the recommendation to support the rezoning.

Patricia James, PED staff, said that it is a very small property; that Ace Auto owns this parcel and they want to use it for parking. She stated this is not a slam dunk issue. There are policies in the Comprehensive Plan that support the rezoning and there are Comprehensive Plan policies that would say no. Long range, staff thought that it was better to have that little section consistent with the zoning around it.

Commissioner Wencil said that the size of this parcel is 12, 500 square feet, which is a small area of that entire block so in her reasoning it is better if this becomes a cohesive block rezoned to I1.

Commissioner Nelson stated that they were told by Peter Warner, Assistant City Attorney, that the burden of proof in a case like this is on the property owner, the person seeking the rezoning. With as much potential conflicting land use issues going on here, it still is the burden of the property owner, and he will vote against this motion.

Commissioner Connolly asked Commissioner Ward about District 6's vision for that block.

Commissioner Ward said for that particular corner the vision is to completely redevelop. United Products, the business to the west, has plans to make their site their corporate warehouse show case area. They want to move in between 30-40 employees and bring employment into the area.

Commissioner Young wanted clarification as to the property owner's intentions for the building on the site.

Commissioner Kramer said that the owner had indicated that they would try to lease the existing building. But failing that he wanted to consider other options, which might entail tearing it down.

VOTE: *The motion to approve the rezoning failed on a voice vote.*

MOTION: *Commissioner Kramer moved the resolution to deny the rezoning. Commissioner Ward seconded the motion.*

Chair Donnelly-Cohen called for a roll call vote, and reminded Commissioners voting in favor of the motion for denial to state their reasons, which could be the reasons provided in the resolution and/or other reasons.

ROLL CALL VOTE: *The motion to deny the rezoning carried on a roll call vote 11-4 (Alton, Connolly, Schertler, Wencil).*

Commissioner Kramer announced the items on the agenda for the next Zoning Committee meeting on Thursday, March 4, 2010.

VI. Comprehensive Planning Committee

Amendment to the Redevelopment Plan for the Saint Paul Neighborhood Redevelopment Project Area – State law requires that amendments to a redevelopment plan must be submitted to the planning agency of the City for its review and for a written opinion that the redevelopment plan conforms to the City's Comprehensive Plan. This amendment is needed to allow the expenditure of funds from existing tax increment districts for Central Corridor improvements.

Amy Filice, PED staff, said that this resolution is a piece of the citywide effort to get Central Corridor funded and built. Passage of these amendments by the HRA will allow them to spend money from some of the TIF districts to improve the streetscape and provide other betterments along the Corridor. The Metropolitan Council and the Federal government have approved certain basic streetscape improvements along the entire corridor as part of the project, but the City would like a higher standard of improvements. In looking at the various ways to finance these "betterments" costing around 17-18 million dollars, a variety of sources were considered. One of the sources will be proceeds from three (3) of the TIF districts; Snelling/University, Spruce Tree and Scattered Site. In order to use these funds the project area must be expanded. Among other

requirements, the Planning Commission must review the amendments and find that they are in compliance with the Comprehensive Plan. Ms. Filice made it clear that this does not mean they are expanding the areas in which they are receiving tax increment; it is just those areas in which they can spend the dollars. Attached to the resolution is a map of the project area.

Commissioner Smitten said regarding the TIF, in the future if other resources are found to support the betterments, which she completely supports and thinks are a necessary element of Central Corridor; will there be opportunity to redirect or shift funds?

Ms. Filice said that this budget is in flux and that there are a lot of moving parts. It has changed over time. About a year ago it looked like it might be fifty million dollars but is now down to about \$18 million dollars. If additional federal funds are freed up or grants received, they could be used to reduce both the assessments and the use of TIF dollars.

Commissioner Merrigan wanted clarification about TIF district renewal. She asked how often they are renewed and if there is a specified time period.

Ms. Filice said when establishing a TIF district, it is for a specific period of time. These TIF districts expire in 2016. She also said that the HRA is not asking for an extension. They are only asking to be allowed to use these funds in the expanded project area.

MOTION: On behalf of the Comprehensive Planning Committee, Commissioner Wencil moved the Committee's recommendation to approve the resolution finding the amendment consistent with the Comprehensive Plan. The motion carried unanimously on a voice vote.

Amendments to floodplain regulations and map to meet FEMA requirements for the National Flood Insurance Program - Recommendation to release for public review and set a Planning Commission public hearing date. (Allan Torstenson, 651/266-6579)

Allan Torstenson, PED staff, said that in December 2009 FEMA sent a letter to the city notifying us that they have completed a Flood Insurance Study (FIS) and a new Flood Insurance Rate Map (FIRM) to update the current ones. This is something FEMA does periodically, and they have their own public review process. They released the Preliminary FIS and FIRM back in 2008, addressed all comments they received, and now the new FIS and FIRM for Ramsey County will go into effect on June 4, 2010. The letter from FEMA also notified the city that as a condition of continued eligibility in the National Flood Insurance Program the city must adopt the new Flood Insurance Rate Map as its floodplain boundaries and also adopt revisions to its floodplain ordinance and floodplain regulations to fully comply with current FEMA standards by June 4, 2010. Most of the items in the draft amendments are FEMA mandatory language that comes out of a DNR model ordinance that applies to the entire state and we all use.

Distributed today was a letter received from DNR dated February 16, 2010, informing us that the draft floodplain management ordinance is in compliance with the statewide standards and criteria for management in floodplain areas in Minnesota. DNR gave us conditional state approval which is valid upon adoption of the ordinance by the city and the receipt by the DNR of three (3) certified copies of the adopted ordinance along with a signed and completed ordinance certification check list. To allow sufficient time for processing and transmittal they request the submission of the ordinance to DNR at least one week prior to the June 4, 2010, deadline. If

FEMA has not received the documentation by the effective date, FEMA will suspend the city of Saint Paul from the National Flood Insurance Program. The Planning Commission has to hold a public hearing, make recommendations, and transmit them to the City Council. The City Council has to hold a public hearing as well. The Comprehensive Planning Committee is recommending release of the amendments for public review, setting a Planning Commission public hearing for March 26, 2010, and simultaneously forwarding the amendments to City Council so that the June 4, 2010, FEMA deadline can be met.

MOTION: *On behalf of the Comprehensive Planning Committee, Commissioner Wencil moved to release the draft for public review and set a public hearing on March 26, 2010. The motion carried unanimously on a voice vote.*

Commissioner Wencil announced that the next Comprehensive Planning Committee meeting is on Tuesday, March 9, 2010.

VII. Staff Presentation

Victoria Park Master Plan Update – Staff presentation. (Lucy Thompson, 651/266-6578, and Patty Lilledahl, 651/266-6593, PED)

Lucy Thompson, PED staff, briefed the Commission on the Victoria Park Master Plan, first adopted by the City Council in 2005 and amended in 2007. The Master Plan covers 65 acres that were the former tank farms for Koch and Exxon Mobil. In 2005, at the time the Victoria Park Master Plan was adopted, the Koch portion of the site was rezoned to TN3. Since that time, the City of Saint Paul HRA has been trying to settle with Exxon on future use and disposition of its portion of the site. With a settlement finally being reached at the end of 2009, and given the future land use restrictions placed on the Exxon portion of the site in the settlement, it is necessary to amend the Master Plan. In preparation for the Planning Commission's consideration of an amendment to the Master Plan, staff is briefing the Commission on the key strategies in the plan, the major points of the Exxon settlement, and subsequent work being done to prepare for a plan amendment.

Ms. Thompson reviewed the key strategies of the Master Plan, regarding future land use, housing type, new street location and design, utilities and other public infrastructure, parking and building type. The Master Plan also contains a development phasing plan. The Master Plan was prepared through a collaboration between City staff, the W. 7th/Fort Road Federation and Brighton Development Corporation, the original master developer. It illustrates a predominantly residential neighborhood, with a variety of housing types, centered on a public green, and new streets extended through the 65 acres.

Patty Lilledahl, PED/HRA staff, briefed the Commission on the key points of the Exxon settlement. Exxon paid the HRA \$5.0 million in exchange for a \$1.00 payment for the land. The HRA is obligated to clean up the property and indemnify Exxon of all liabilities related to the clean-up. Remediation continues on the site, and is expected to be completed in 2-3 years. According to the settlement agreement, the land may be used for park purposes only, and there can be no enclosed buildings on the site. Because the original Master Plan shows a range of housing and commercial uses on the Exxon portion of the site, it will have to be amended to indicate future land use as park space.

Commissioner Smitten noted that the park shown on the original plan appears to be very disconnected from the adjacent neighborhood. She also wondered how the plan envisions connecting the two halves of the site, separated by an active rail corridor. Ms. Thompson responded that the new street system planned for the urban village was intended to connect the park to both urban village residents and the greater neighborhood beyond 7th and Otto. The original plan does not show roads connecting the northern half of the urban village to the southern half (across the tracks), because new at-grade crossings were considered a very remote possibility at the time the plan was adopted. However, the street grid has been set up on both sides of the tracks to line up and eventually connect should the active rail cease to exist. There is an existing underpass connection, which would have to be studied and perhaps rebuilt to allow for full vehicular (including emergency vehicle) access.

Commissioner Connolly asked whether typography precludes easy access or interchange between the site and the river. Ms. Thompson said that it does not preclude it, and that the new concept plan for a larger park includes access between the neighborhood and the Mississippi River/Sam Morgan Regional Trail.

Ms. Thompson showed a very preliminary concept plan for the new park on the former Exxon property. Staff from Parks & Recreation are working with a community task force to get input on desired park uses. The concept plan shows a neighborhood park between the railroad tracks and W. 7th, and four soccer fields in the portion between the tracks and the bluff.

Commissioner Wickiser commented that, as a neighbor and park user, the site along the bluff is overlooking a national park (Mississippi National River and Recreation Area). It is important to consider how active recreation (soccer fields) fits into this larger context, especially given the fact that this is a major migratory bird corridor. Ms. Thompson added that the area riverward of the tracks is in the Mississippi River Critical Area.

Commissioner Nelson noted that the City has lost about 30 acres of developable taxable land in this transaction. He asked about the location and design of the new street shown along the edge of the new park. He stated that perhaps it could be moved to provide more developable land on the blocks to the east.

Ms. Thompson concluded with a brief discussion of process. Once the community task force completes its meetings, Parks staff will recommend a conceptual park plan for the Exxon portion of the site, and the Victoria Park Master Plan will be revised to show the new park concept. The Planning Commission will then hold a public hearing on the revised Master Plan, and make a recommendation to the City Council. Staff is anticipating requesting a rezoning to TN3 at the same time as the Master Plan is amended, so that the entire urban village is zoned TN3(M). More specific park design work will be done once funding is secured to build the park.

VIII. Neighborhood Planning Committee

Commissioner Wencil announced the items on the agenda for the next Neighborhood Planning Committee meeting on Wednesday, February 24, 2010.

IX. Communications Committee

Commissioner Smitten had no report.

X. Task Force Reports

None.

XI. Old Business

None.

XII. New Business

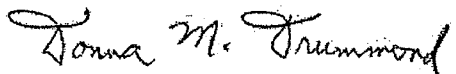
None.

XIII. Adjournment

Meeting adjourned at 10:22 a.m.

Recorded and prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,



Donna Drummond
Planning Director

Approved _____
(Date)

Marilyn Porter
Secretary of the Planning Commission



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*25 West Fourth Street
Saint Paul, MN 55102*

*Telephone: 651-266-6700
Facsimile: 651-228-3220*

DATE: March 5, 2010
TO: Planning Commission
FROM: Zoning Committee
SUBJECT: Results of March 4, 2010 Zoning Committee Hearing

		<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
1.	Minor Text Amendments for Chapters 60 and 61 of the Zoning Code.	Approval	Approval with revisions (5 – 0)
	Motion: Recommended approval with revisions		

REVISED 2/24/10

**AGENDA
ZONING COMMITTEE
OF THE SAINT PAUL PLANNING COMMISSION
Thursday, March 4, 2010 3:30 P.M.
City Council Chambers
Third Floor City Hall - Saint Paul, Minnesota**

NOTE: The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

APPROVAL OF FEBRUARY 11, 2010 ZONING COMMITTEE MINUTES

SITE PLAN REVIEW – List of current applications (Tom Beach, 651-266-9086)

NEW BUSINESS

- 1 ~~10-106-259 Sabrina DeMars /Craig Jensen~~
Re-establishment of nonconforming use as a duplex
924 Eleanor Ave, SW corner at Milton
R4
Sarah Zorn — 651-266-6570
- *2 ~~10-105-510 Melvin Miller~~
Conditional use permit for transitional housing facility for 6 adult male residents
1116 Pacific St, SW corner at Frank
R4
Emily Goodman — 651-266-6551 *APPLICATION DETERMINED INCOMPLETE

DISCUSSION

Minor Text Amendments for Chapters 60 and 61 of the Zoning Code
Citywide
Kate Reilly 651-266-6618

ADJOURNMENT

ZONING COMMITTEE MEMBERS: Call Allan Torstenson at 266-6579 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

APPLICANT: You or your designated representative must attend this meeting to answer any questions that the committee may have.



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6626
Facsimile: 651-228-3341

To: Saint Paul Planning Commission

From: Comprehensive Planning Committee

Date: March 3, 2010

**Re: Revised Zoning Code Amendments on Off-Street Parking Requirements and Design Standards
Recommended to Planning Commission for consideration on March 12, 2010**

BACKGROUND

The Comprehensive Planning Committee met on February 2nd and 16th and discussed the Planning Commission public hearing on proposed code amendments to Saint Paul's off-street parking requirements. In light of the testimony and follow up research by staff, the Committee requested revisions to the code amendments.

This memo highlights the public testimony and presents the Comprehensive Planning Committee recommendations for the Commission regarding the proposed off-street parking code amendments. Attached for reference are:

- Revised off-street parking code amendments, with red text showing changes since the public hearing. *[Note: CPC members received this in the 3-9-10 packet.]*
- Summary table of key code amendments and rationale, with shaded cells and bold text showing changes since the public hearing. *[Note: CPC members received this in the 3-9-10 packet.]*
- Draft resolution for Planning Commission. *[Note: CPC members received this in the 3-9-10 packet.]*

ANALYSIS

Below is a list of parking code sections which received public comment, followed by analysis and a recommendation from the committee. Recommendations on revised code are noted in red text in the enclosed code document and are explained in the Revisions and Rationale table. Some of the revisions found in the code and table are not related to the topics below, but are simply wordsmithing recommended by staff.

Minimum parking for auto uses – 63.207(a)

There was testimony expressing concern about minimum parking for auto service businesses being set to 1 space per 400 sq ft, like other retail and service businesses. (Note: The proposed requirement is actually 1 space / 400 sq ft + 1 space / service bay.)

- Do these businesses create higher parking demand than other retail service businesses, due to cars being stored for servicing, either on a daily or long-term basis?
- Would the proposed 1/400 requirement for these uses generate new issues or nuisances from the businesses?

Analysis

- Staff did a visual parking survey of seven (7) auto service businesses on the late morning of Thursday, Feb. 4th. In the visual survey, parked cars were counted and noted as appearing to be there on a short-term or long-term basis. Staff then compared the number of parked cars per business to the estimated number of required parking spaces the site would have under our current and proposed parking requirements. The table below summarizes the results.

Site	# of parked cars	Any long-term? / Vacant spaces?	Current required parking	Proposed required parking	Would proposed required meet parking demand for short and long-term cars?
1	9	No / 8 vacant	13	10	Yes
2	10 + others next door??	Yes / no	21	15	? - Not if the long-term cars next door are with the business
3	8	1 long / no	10	8	Yes
4	10	4-5 long / no	7	5	No, although close to meeting short-term
5	3	No / 1 space	8	6	Yes
6	8	No / 8 vacant	12	9	Yes
7	16	Yes / 4-5 vacant	10	7	No, although closer if no long-term

- What the survey and table indicate is that the proposed parking requirement of 1/400 appears to be adequate to meet the daily parking demand at auto service businesses, but it is not adequate to provide enough space if long-term vehicle parking occurs on the lot. The Comprehensive Planning Committee felt that parking requirements for auto uses should be designed to accommodate daily use, not long-term storage.
- Conditional Use Permits (CUPs) are required for auto service businesses. Conditions such as maximum # of cars allowed to be parked on the lot are more effective than parking code requirements in addressing and managing the look and operation of these businesses, including parked cars.
- Changes to required parking will not alter the parking and operation of non-conforming auto businesses that do not have a CUP.

Recommendation

- Retain proposed code amendment that changes required parking to 1 space/ 400 sq ft + 1 space / service bay. Continue to manage nuisance concerns related to auto businesses through the CUP process.

Minimum parking for bingo halls, pawn shops and currency exchange – 63.207(a)

There was testimony expressing concern about currency exchange, pawn shops and bingo halls having reduced parking requirements.

- Pawn shops and currency exchanges are proposed to be required at 1 space per 400 sq ft GFA and bingo halls are proposed at 1 space per 200 sq ft GFA. This is a reduction of current requirements in both cases.
- Do these businesses create higher parking demand than other retail service businesses?
- Would the reduced requirements generate new issues or nuisances from the uses?

Analysis

- Bingo halls are proposed to be required the same amount of parking as dance halls and assembly halls, which are estimated to be of similar intensity. These types of places do not create as much parking demand as bars and the current requirement of 1 space per 75 sq ft is excessive.
- Other cities studied do not have higher parking requirements for pawn shops and currency exchanges than for general businesses.
- Staff did a visual parking survey of two (2) pawn shops on the late morning of Thursday, Feb. 4th. (Other pawn shops and currency exchanges in Saint Paul were not able to be evaluated because they do not have clearly delineated parking lots; they are located along commercial corridors with street parking or shared lots.) Staff then compared the number of parked cars per business to the estimated number of required parking spaces the site would have under our current and proposed parking requirements. The table below summarizes the results.

Site	# of parked cars	Current required parking	Proposed required parking	Would proposed required meet parking demand for short and long-term cars?
1	10 cars - many vacant spaces	29	16	Yes
2	6 cars; 9 vacant spaces	29	16	Yes

- The survey indicated that the proposed parking requirement of 1/400 appears to be more than adequate to meet the daily parking demand at pawn shop businesses.
- Conditional Use Permits (CUPs) are required for pawn shop and currency exchange businesses and provide a better mechanism than parking requirements to manage the operation of these businesses.

Recommendation

- Retain proposed code amendments that reduce required minimum parking for pawn shops, currency exchanges and bingo halls to better match parking demand and requirements for similar intensity uses.

Maximum parking requirement – 63.207 (c and d)

There were two public comments opposing a parking maximum and two comments suggesting that the maximum should be set lower. There was also a comment stating that the code language was confusing for maximums and conditions when exceeding the minimum.

Analysis

- Parking utilization studies conducted by staff were used to determine a maximum parking level that would accommodate the vast majority of the most popular businesses during busy hours. The 300% of minimum for eating uses and 170% of minimum for other uses provides an adequate range of parking to meet the low and high end of parking demand.
- The CUP provision allowing exceedance of the maximum with proof of need provides a reasonable option for businesses that have uniquely high parking demand.
- Small businesses/lots that only want to add a few spaces above the maximum should not be required to go through the CUP process. The lot size threshold that triggers a CUP for exceeding the maximum should be raised. (See table below for summary of impact based on size of building.)
- Code language in Section 63.207(c and d) is confusing and should be rewritten.

Maximum Allowed Parking Spaces w/out CUP or Structured Parking (no max. applies in lots < 15 spaces)

Building Gross Floor Area	Example of comparable building size	Minimum Requirement 1/400 sq ft	Maximum @ 170% of minimum (for general business)	Additional spaces allowed above max. with 15 space threshold for CUP	Maximum @ 300% of minimum (for food uses)	Additional spaces allowed above max. with 15 space threshold for CUP
1,000	Dairy Queen (seasonal)	3	4	11	8	8
1,300		3	6	9	10	5
1,600		4	7	8	12	3
2,000		5	9	7	15	CUP / structured
2,300	Brewberrys coffeeshop	6	10	5	17	CUP / structured
2,600	Burger King	7	11	4	20	CUP / structured
3,000	Bank Cherokee - Grand	8	13	2	23	CUP / structured
3,300		8	14	1	25	CUP / structured
3,600		9	15	CUP / structured	27	CUP / structured
4,000	Perkins	10	17	CUP / structured	30	CUP / structured
4,300		11	18	CUP / structured	32	CUP / structured
4,600	Former Mississippi Mkt - Randolph	12	20	CUP / structured	35	CUP / structured

Recommendation

- Retain proposed code amendments for maximums set at 170% and 300% of minimum.
- Increase the threshold above which maximum parking applies from a ten (10) space lot to a fifteen (15) space lot.
- Revise Section 63.207(c and d) wording to clarify intent.

Mixed use corridor reduction – 63.212 and 60.214

There was general support in public comments for allowing a 10% reduction to parking minimums within a quarter mile of mixed use corridors, but some committee members expressed concern about how much land it would apply to.

Analysis

- The attached Mixed Use Corridor map shows the eligible 10% reduction zones based on the originally proposed language – within one quarter (1/4) mile of each of the Land Use Plan's "Mixed Use Corridor" street segments.
- "Mixed use corridors" were identified during the Comp Plan process as those areas of the City that are most conducive to multi-modal trip options and intended for stronger TOD development patterns and policies that will enhance the urban form of the areas and build their success for walking, biking and transit. However, the Comprehensive Planning Committee felt that because the corridors apply to most of the City's commercial streets, a special 10% parking reduction there would be duplicative of the proposed reductions for commercial uses Citywide, and that the appropriate parking level for these corridors should be determined by citywide parking requirements, not through an add-on reduction.

Recommendation

- Delete the proposed mixed use corridor reduction eligibility for sites in proximity (1/4 mile) to the mixed use corridors.

Preferential parking spaces – 63.213

There was mixed reaction to requiring 5 of 5% of parking spaces to be set aside for preferential parking spots. The burden of enforcement was one key concern.

Recommendation

- Revise proposed language to allow, but not require, up to 5 or 5% of spaces, whichever is lower, to be designated for preferential parking.

Wheel stops – 63.311

There was concern expressed about earth berms not being strong enough to serve as wheel stops for cars, as allowed in our current and proposed landscaping requirements. Committee members agreed that this was a legitimate concern.

Recommendation

- Revise proposed language to not allow earth berms for this purpose.

Tree plantings – 63.314 (d)

Comments submitted from a landscape architect questioned the proposed minimum landscape dimensions for tree planting. The committee members agreed that this should be investigated.

Analysis

- The City forester was asked to review the proposed tree planting requirements for parking lots. He replied with two memos, attached. Many of his recommendations are detailed landscaping considerations which should be evaluated in a comprehensive review of the City's landscaping and stormwater design standards. Staff from DSI will be leading such an effort in the coming year or

two. In the meantime, a few modest improvements to tree planting requirements can be incorporated into the parking code amendments. Unfortunately, the ideal quantity and quality of soil needed to support vigorous tree growth is space and cost prohibitive. The City and the public want lovely trees in the urban environment, but such trees are not easy to grow in limited space.

- Staff reviewed the proposed tree canopy regulations for the Critical Area and found them similar to the proposed parking code revisions.

Recommendation

- Adopt modest revisions to tree planting requirements which balance space and cost limitations with the desire to provide conditions adequate for better tree growth and survival than experienced in projects that comply with current minimum planting standards.

TDM plan requirement – 63.122

There was one public comment objecting to the proposed TDM requirement. The committee members felt comfortable with the requirement generally, but had some questions about how the language was crafted and its implementation.

Analysis

- The City Attorney's office reviewed several TDM ordinances from other cities and discussed concerns and issues with Planning staff. Based on the research and discussions, revised text for the TDM ordinance is proposed for consideration by the Comprehensive Planning Committee on March 9, 2010. *The draft, revised text is included in the attached code.*

Recommendation

- Maintain the proposed TDM plan requirement and procedures, but revise the code language to be clear and enforceable.
- The Comprehensive Planning Committee will review the proposed text revisions at its meeting on March 9, 2010, and bring a recommendation to the Planning Commission on March 12, 2010.

RECOMMENDATION

The Comprehensive Planning Committee recommends revisions to the off-street parking requirements, as described in this memo and in the attached Proposed Off-Street Parking Code Amendments and forwards them to the Planning Commission for consideration on March 12, 2010.

A draft Planning Commission resolution recommending the proposed off-street parking code amendments to the City Council is attached.

STAFF CONTACTS

Merritt Clapp-Smith, 651.266.6547 / merritt.clapp-smith@ci.stpaul.mn.us

Tia Anderson, 651.266.6562 / tia.anderson@ci.stpaul.mn.us



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6565
Facsimile: 651-228-3261

DATE: March 3, 2010
TO: Neighborhood Planning Committee
FROM: Lucy Thompson, Principal City Planner *Lucy Thompson*
SUBJECT: District del Sol Zoning Study

BACKGROUND

In response to a request from the West Side Citizens Organization (WSCO), Riverview Economic Development Association (REDA) and Neighborhood Development Alliance (NeDA), the Planning Commission initiated the District del Sol Zoning Study in August 2008. District del Sol is generally defined as the three commercial corridors at the heart of the West Side: Wabasha, Robert and Cesar Chavez streets. As directed by the Planning Commission, the purpose of the study is to make zoning consistent with the various plans that guide new development in District del Sol, including the Saint Paul Comprehensive Plan (including area plans), *Saint Paul on the Mississippi Development Framework* and *Harriet Island/District del Sol Final Concept Plan*.

THE DISTRICT DEL SOL ZONING STUDY

There has been extensive community participation throughout the process of preparing for and conducting the zoning study. For two years before REDA, WSCO and NeDA requested the study, PED staff worked with these organizations to gain community consensus that such a study should be done, and educate potentially-affected property and business owners about the planning precedents for rezoning, as well as the potential impacts of rezonings on individual parcels and businesses.

Draft recommendations, first prepared in October 2009, were vetted in several community settings before being finalized. The Riverfront and Development Committee of WSCO discussed the draft recommendations, as did the Commercial Development Committee of REDA. Meetings were held with concerned business owners. In addition, a public meeting was held in January 2010 to present the draft recommendations and get feedback.

The full zoning study is attached for your review. Its key conclusions/recommendations are:

1. TN2 is the appropriate district to bring zoning into general compliance with neighborhood plans and the Saint Paul Comprehensive Plan for the three District del Sol corridors – Wabasha, Robert and Cesar Chavez streets.
2. B3 zoning of three parcels on the west side of Robert Street at the gateway to District del Sol is more compatible with adjacent land uses and neighborhood plans, and does not create any non-conforming land uses.

3. Medium-density residential land uses at the edge of the district (State Street Townhomes) are appropriately zoned RM2, and no change in zoning is recommended.
4. Jerry's Service Center should be rezoned to TN2, since it is at the heart of the commercial district, will be surrounded by TN2 zoning and sits on a parcel with a lot area (7,000) that is less than half of the minimum required for an auto repair station (15,000 square feet). Jerry's is a non-conforming use under its current zoning (B2), and would remain a non-conforming use under TN2.
5. Rodriguez Auto Service should remain B3, since it is located on the edge of District del Sol and has a lot area (almost 10,000 square feet) that is closer to the minimum required for an auto repair station (5,000 square feet).
6. Approximately 72% of the parcels would be rezoned to TN2, as shown in the summary chart below.

Existing Zoning	Proposed Zoning	# of Parcels (%)
B2	TN2	46 (41)
B3	TN2	19 (17)
RM1	TN2	8 (7)
RM2	TN2	7 (6)
VP	TN2	1 (1)
I1	B3	3 (2.7)
I1	I1	1 (1)
I1	RM1	1 (1)
RM2	RM2	20 (18)
B3	B3	1 (1)
TN2	TN2	4 (3.6)

STAFF RECOMMENDATION

Staff recommends that the Neighborhood Planning Committee forward the District del Sol Zoning Study, dated March 3, 2010, to the Planning Commission and recommend that the Planning Commission release the study on March 12, 2010 for public review and set a public hearing date for April 23, 2010. PED staff will notify all affected property owners, as well any interested persons and organizations. Staff has also committed to meet with property and business owners, as well as community organizations, during the public review period to ensure that the goals, recommendations and impacts of the study are understood.



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6565
Facsimile: 651-228-3261

Date: February 24, 2010
To: Planning Commission
From: Neighborhood Planning Committee
Subject: City Council Resolution (3077776) Requesting Study of Sign Regulation Issues

General background

In the course of the 2009 adoption process for the amendments to Chapter 64 regarding signs with dynamic display (GS#3077776), several related issues came to the attention of the City Council. When it was determined that these issues were outside the scope of the signs with dynamic display public hearing process, the City Council chose to pass a resolution requesting that the Planning Commission undertake further study those issues. These issues include: measurement of double-faced and V-shaped sign area, permitted illumination level, regulation of window signs, number and size of exterior banners, and permitted exemptions for signs of city, county, state, and federal governments that provide public information. The following memo provides an issue summary, description of existing regulation, analysis and research, and recommendation for each of these five issues. The Neighborhood Planning Committee recommends that the Planning Commission release this memo for public hearing and set a date of April 23, 2010.

1. Double-faced and V-shaped sign measurement.

Summary.

Currently, the City of Saint Paul counts only one side of a double-faced sign or V-shaped sign toward the surface area of a sign. The City also mandates that the sign faces on double-faced or V-shaped signs be separated by no more than eight-feet or a thirty-five degree (35) angle. This regulation is in accord with what most communities that have specific provisions addressing the measurement of double-sided or V-shaped signs do. Generally, back-to-back, parallel signs not separated by more than a few feet are treated as a single sign for purposes of measuring area. This same principle often applies to V-shaped signs as long as the angle between the signs does not exceed some fixed measure (often 45 degrees). Because they are in accord with other municipalities throughout the country, the City of Saint Paul's regulations should not be amended.

Existing regulations.

64.401 All Signs.

(f) All signs with the display surfaces back-to-back and parallel shall have no more than an eight-foot distance between each surface. All signs with the display surfaces at an angle to one another shall have

the angle no greater than thirty-five (35) degrees. Display surfaces shall face in opposite directions and shall be owned by the same permittee.

(m) Only one side of a double-faced sign or V-shaped sign shall be used to compute the gross surface display area, display surface area or sign area of a sign.

Research and analysis.

Most municipalities count only one side of a parallel or V-shaped sign toward the total allowable sign area. The ordinances in Columbia (Illinois), Duluth (Minnesota), Portland (Oregon), Racine (Wisconsin), and Raleigh (North Carolina) all state that only one side of a double-sided or V-shaped sign should be counted toward the area. Other cities introduce the caveat that only one side of a V-shaped sign should be counted if the distance between the two faces is no greater than a certain amount. Bend (Oregon) and Mesa (Arizona) both use two feet as this standard, while Outagamie County (Wisconsin) uses 42 inches. More commonly, the distance permitted between the sign faces is measured in degrees: if the angle between sign faces is a certain number of degrees or less than only one face of the sign is counted. Cities that use degrees include Cary (North Carolina), Chicago (IL), Marshfield (Wisconsin), Minneapolis (Minnesota), Sandy (Utah), St. Louis (Missouri), and Wilmette (Illinois). The degrees permitted in these municipalities range from 30 to 60. While uncommon, there are a few municipalities that count both sides of v-shaped signs toward the permitted sign area, regardless of the distance or angle between them, including Carpentersville (Illinois), Panama City (Florida), and South Saint Paul (Minnesota).

Recommendation.

No change to the existing regulations.

2. Permitted illumination level for signs.

Summary.

The current standard for maximum permitted light trespass (for all types of lighting, including signs) is three foot candles measured at the residence district boundary. This standard is generally considered to be too high, especially as it pertains to signage, as full indoor light is generally five to ten foot candles. In 2009, the maximum illumination level permitted for signs with dynamic display was reduced to three-tenths foot candles. This new standard should be adopted for all signs.

Existing regulations.

Chapter 63 of the Zoning Code contains regulations of general applicability. *Section 63.116 Exterior lighting* includes the lighting standard examined in this study:

(a) All outdoor lighting in all use districts, including off-street parking facilities, shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences in such a way as not to exceed three (3) foot candles measured at the residence district boundary.

The current language in 63.116 was adopted by Ordinance #16799, effective July 5, 1981, as part of a study on site plan review. There was no additional information contained in the City files regarding the justification at that time for the lighting standards. Since that time, the Department of Safety and Inspections has enforced the standards on a complaint basis. There has been controversy over the 3 foot candle standard. Notably, residents across from the Bremer Bank building complained that the sign on top of it, which went up in 2005, was too bright at night and adversely impacted their sleep. While Department of Safety and Inspection staff did visit the site to address the complaint and believed the light appeared very bright, it did not exceed the 3 foot-candle standard. For reference, a foot candle is a standard unit of measure that is equivalent to the light received in a 1 foot radius of a candela. Full light

on a sunny day is around 10,000 foot candles, shade is closer to 100 foot candles, and indoor full light will be 5 – 10 foot candles or up to 10 – 50 foot candles in particularly well-lit areas.

Research and analysis.

Rationale. Light pollution, excessive artificial lighting, has adverse impacts on wildlife, human health, and the economy. Light pollution upsets the natural circadian rhythm of animals, which, in turn, results in various specific problems including: decrease in reproduction, increased exposure to predators, difficulty foraging, and light hypnosis, which with causes collisions, death, exhaustion, and disruption of natural migration paths (*Light Pollution and Wildlife*, International Dark Sky Association, 2008). Humans are not exempt from problems caused by disruption of the circadian rhythm due to light pollution. Light pollution can cause disability glare, decrease in melatonin levels, and sleep disorders, which in turn cause stress, depression, weight gain, and diabetes. Additionally, new research indicates the consequences for humans may be even more profound and dire and the World Health Organization lists "shiftwork that involves circadian disruption" as a probable carcinogen. Additionally, overly bright light can mask intruders or create shadows in which they can hide, which are threats to safety (*Light Pollution and Human Health*, International Dark Sky Association, 2009). Light pollution means wasted light, estimated at 22,000 gigawatt-hours a year, which means that there is an adverse impact on the economy and environment from unnecessary expenditures of energy (*Light Pollution and Energy*, International Dark Sky Association, 2009). Reducing the tolerance for light spillover into residential uses will help mitigate all of these adverse consequences by reducing light pollution.

Other municipalities. LEED-NC, a standard from the U.S. Green Building Council, requires residential neighborhood projects to reduce light trespass at the property line to no more than .1 footcandles. Ann Arbor, MI, whose new lighting code is renowned nation-wide, also requires residential neighborhood projects to reduce light trespass at the property line to no more than .1 footcandles. In Citrus Heights, CA, "no outdoor lighting fixture shall be installed, aimed, or directed to produce light or glare that spills over into neighboring properties or the public right-of-way that exceeds 0.5 footcandles within two feet of the property line of the light source." In Cotati CA, "no lighting on private property shall produce an illumination level greater than one footcandle on any property within an RR, RVL, NL, NM, or NU zoning districts except on the site of the light source." In the general performance section of the Minneapolis Zoning Code, it is stated that "lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source."

Recommendation.

Amend Section 64.401 All Signs so that it reads:

(q) *Illumination and brightness.* No sign may exceed a maximum illumination of 0.3 foot candles above ambient light level as measured from fifty (50) feet from the sign's face.

3. Internal window signs oriented toward street and pedestrian and motor traffic.

Summary

The City of Saint Paul does not currently regulate signs inside of buildings. While some communities regulate the percentage of windows that can be devoted to signage (often distinguishing between permanent and temporary window signage), to initiate such a regulatory process in Saint Paul would first require initiating a challenging permitting process, the difficulties surrounding which are described in the "background" section below. The ultimate benefit of this permitting process must be weighed against the difficulty and cost in administering it.

Existing regulations.

There are currently no general regulations for interior signs of any kind in Chapter 64 of the Zoning Code. Chapter 34 of the City Code sets forth regulations for the interior of buildings and also does not include regulations for interior signs. There are, however, several special district sign plans in Chapter 64 which include regulation for interior window signs:

Sec. 64.625(e) White Bear Avenue special district sign plan.

- (8) Permanent window signs are permitted and shall not exceed ten (10) percent of the store window glass area.

Sec. 64.745. Grand Avenue special district sign plan.

Window signs, including temporary window signs, should not exceed 30% of the store window glass area. The lettering of the business name should not exceed twelve (12) inches in height. The lettering for other information should not exceed one inch in height.

Temporary window signs add to visual clutter and should be used only to advertise the property for sale, rent, or lease, or for specific short-term sales for no more than three (3) nonconsecutive times per calendar year for a period of not more than thirty (30) days per time. Old paper signs are easily associated with "going out of business" sales.

Sec. 64.750. Highland Village special district sign plan.

Permanent window signs painted on the surface of the window are permitted. Such signs can be as effective as wall signs but can be blocked from view by parked vehicles. Window signs are most effective for pedestrian traffic and can give the most information. They are the last sign seen before entering a business, and pedestrians have time to read more detail.

Window signs shall not exceed 10% of the store window glass area. The lettering of the business name should not exceed six inches in height. The lettering for other information should not exceed one inch in height. Letters with bright colors or gold are the most visible whatever the lighting conditions are inside or outside.

Sec. 67.302(i) SDC Shepard Davern commercial redevelopment overlay district.

- (1) Permanent window signs, without advertising, may be painted on the surface of the window. Such signs shall not exceed ten (10) percent of the window glass area.
- (2) Temporary window signs, without advertising, may be affixed to the inside of the window. Such signs shall not be in place longer than thirty (30) days and shall not exceed ten (10) percent of the window glass area.

Research and analysis.

While the issue of whether current sign code is or should be applicable to interior window signs has been raised previously (at a 2002 zoning case [ZF#02-127-081] and the 2009 public hearings on signs with dynamic display), each time the relevant governmental body affirmed that the City of Saint Paul's Zoning Code does not regulate interior window signs. If the City of Saint Paul were to initiate interior window sign regulations at this time, it would face significant challenges.

To begin, any amendment to the Zoning Code would not be retroactive; existing interior window signs would not be subject to new regulation. However, because interior window signs have not required a permit historically, there is no record of what interior window signage exists today and would therefore be

grandfathered in. Even if determining which signage would be eligible for enforcement were not an issue, the City would face several challenges in moving forward with regulation, some practical and some fiscal.

First, it would be difficult to inform business owners of their burden to obtain a sign permit and comply with regulation. For exterior signage, business owners are often made aware of such requirements by professional sign contractors, who are needed for installation of exterior signage. The installation of interior window signs does not necessitate the assistance of a professional. Without a clear notification mechanism, enforcement would occur on a complaint basis, and interior window sign regulation would not be fairly or consistently applied throughout the city.

Second, the City would experience a financial and personnel burden which would likely be passed on to small businesses. The number of permits expected for interior window signage is anticipated to be twice that of exterior signage, or about 630 permits annually. Previously, the sign regulations were administered by 1 FTE, which is now down to .7 FTE due to budget constraints. The responsibilities for this position include issuing sign permits, investigating sign complaints, enforcing sign violations and providing information about sign regulations to businesses and institutions desiring signs. To also enforce interior window signage, the City would need to hire or re-allocate 1 FTE. The salary, fringe benefits, and associated operating costs for an entry-level Inspector II position would be \$74,651 per year. Because these enforcement positions are meant to be self-supported through permitting fees, the cost would likely be passed on to business owners, who would need to pay \$118 per permit. These business owners would likely be proprietors of small, neighborhood businesses which typically use window signs as an inexpensive way to draw customers. To create a window sign program would target these types of businesses and force them to incur additional regulation and expense, which would be in conflict with the City's efforts to encourage the opening and retention of small businesses.

To conclude, initiating a permit process for interior window signs would be costly to administer and of limited benefit. Meaningful regulation about percentage of window area covered, temporary window signs, spot lights and illumination of window signs, and dynamic window signs would be predicated upon a successful permit process. Because the only complaints the Department of Safety and Inspections has received are from the Downtown area, sign district amendments, like those already in the code pertaining to window signs, would be more appropriate to addressing this issue, rather than creating new regulation to pertain to all interior window signage throughout the City.

Recommendation

No change.

4. Number and size of exterior banners.

Summary.

Currently, banners are generally permitted throughout the City, except in certain overlay districts. These banners, a type of temporary sign, are not to exceed one hundred twenty (120) square feet in area or be more in number than one (1) per twenty (20) feet of frontage. However, banners that are freestanding or wall signs cannot exceed a total of thirty-two (32) square feet. The Zoning Code would benefit from a study that would consider amendments regarding banner signs within the context of all temporary signs.

Existing regulations.

Sec. 64.122 T

Temporary sign. A sign, flag, banner, pennant or valance constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, which is not permanently secured, and is intended to be displayed for a limited period of time only. Temporary signs may remain in place during the time of the construction of a building, during the time a building is offered for sale, rent or

lease, until the closing date of sale, or until such building is leased or rented, or as otherwise regulated herein. A portable sign shall not be deemed to be a temporary sign.

Sec. 64.419 Temporary and portable signs

(a) *Dimensions:* No temporary sign shall exceed a total of one hundred (100) feet in area or six (6) feet in height except as otherwise provided herein.

(d) *Cloth signs and banner:* In all zoning districts unless otherwise provided:

(3) No cloth or banner sign shall exceed a total of one hundred twenty (120) square feet in area, and there shall be no more than one (1) such sign for any twenty (20) feet of frontage of any building fronting on public property.

Sec. 64.504 (b) (4)

Temporary signs shall be permitted as follows:

- a. Banners, pennants and stringers.
- b. Freestanding and wall signs, the total area not to exceed a total of thirty-two (32) square feet.
- c. Such signs shall be permitted three (3) nonconsecutive times per calendar year for a period of not more than thirty (30) days per time or once per year for 90 days.

Research and analysis.

Cities surveyed that mention maximum banner size in their municipal codes tend to included more restrictive maximums than the City of Saint Paul currently employs. Bend (Oregon), Cary (North Carolina), and Sandy (Utah) all have a maximum of 32 square feet. While Cincinnati (Ohio) says that banners may not exceed 12 by 12 feet and Miami Gardens (Florida) limits them to 50 square feet. These cities and others surveyed did not also include restrictions on the number of banners permitted. Minneapolis (Minnesota) elects to regulate commercial banners as signage and requires banners to comply with general sign regulations regarding area and number.

The City of Saint Paul currently has two different regulations for size which may be applied to banners, which fall on either side of the regulatory spectrum. According to Sec. 64.419, temporary banners may not be larger than one hundred twenty (120) square feet. However, according to Sec. 64.504 (b) (4), temporary banners that can be considered to be freestanding or wall signs may not exceed an area of thirty-two (32) square feet. The Zoning Code does not include a definition for banner signs. The Department of Safety and Inspections has struggled in recent years with negotiating the permitting process for banner signs that could arguably fall under either section of the Zoning Code. However, to change one section to make it more in accord with the other would have implications for temporary signage beyond the scope of banner signs. The Zoning Code is due for a substantial re-write regarding temporary signs to address these and other issues.

Recommendation.

Request a Planning Commission study of all temporary signs.

5. Exemptions for signs of city, county, state and federal governments that provide orientation, direction, or traffic control information.

Summary.

Sec. 64.401 (l) permits these signs in all zoning districts, but does not exempt them from permits or other provisions in this chapter. In practice, however, the City of Saint Paul does not require permits for public traffic control or other directional signs. The provision in Sec. 64.401 (l) seems simply to be misplaced and belongs in Sec. 64.204 Exemptions.

Existing regulations.

Sec. 64.401(l)

Signs of the city, county, state, and federal government and subdivisions and agencies thereof which give orientation, direction or traffic-control information shall be permitted in all zoning districts.

Recommendation.

Amend Chapter 64:

Sec. 64.204 Exemptions.

(a) The following signs shall be exempt from the requirements of this chapter: Signs of the city, county, state, and federal government and subdivisions and agencies thereof which give orientation, direction or traffic-control information.

(b) The following signs shall not require a permit. These exemptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this chapter or any other law or ordinance regulating the same.

(1) ~~(a)~~ The changing of the message on the display surface of signs that are designed to have changeable copy.

(2) ~~(b)~~ Signs six (6) square feet or less in size.

(3) ~~(c)~~ Lettering on motor vehicles when not utilized as a parked or stationary outdoor display sign.

(4) ~~(d)~~ Political signs.

(5) ~~(e)~~ Sports facility sponsorship signs.

Sec. 64.401

~~(l) Signs of the city, county, state, and federal government and subdivisions and agencies thereof which give orientation, direction or traffic-control information shall be permitted in all zoning districts.~~

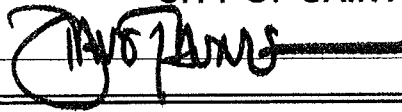
[Adjust subsequent letters accordingly.]

Committee recommendation

The Neighborhood Planning Committee recommends that the Planning Commission release this memo for public hearing and set a date of April 23, 2010.

RESOLUTION
CITY OF SAINT PAUL, MINNESOTA

Presented by _____



**Requesting Planning Commission Study and Report on
specific Amendments to Legislative Code Chapter 64, Signs**

1
2
3
4
5 WHEREAS, recent consideration of amendments to Legislative Code Chapter 64, Signs,
6 pertaining to signs with dynamic display raised questions and concerns about the way the gross
7 surface display area of double-faced and V-shaped signs is measured; the illumination level
8 currently allowed for signs generally; the regulations of signs with dynamic display located inside
9 of windows and oriented to be visible from a public right-of-way; and permit exemptions for signs
10 of city, county, state and federal governments that provide orientation, direction or traffic control
11 information; and

12
13 WHEREAS, questions and concerns were raised about non-dynamic signs inside store windows
14 that are oriented only toward the street and pedestrian and motor vehicle traffic; specifically, the
15 feasibility of creating a permitting system for such signs, percent of window area taken up with
16 window signs, temporary signs, use of spot lights and other attractors to illuminate signs, and
17 number and size of exterior banners; and

18
19 WHEREAS, these issues are beyond the scope of the public hearing draft Signs with Dynamic
20 Display Ordinance, and require separate study and public hearing;

21
22 NOW, THEREFORE, BE IT RESOLVED, that the City Council directs the Planning Commission
23 to study and recommend amendments to Legislative Code chapter 64, Signs, pertaining to these
24 issues, and to report back to the City Council within 120 days.

	Yeas	Nays	Absent
Bostrom			
Carter			
Harris			
Helgen			
Lantry			
Stark			
Thune			

Requested by Department of: _____

By: _____

Approved by the Office of Financial Services

By: _____

Adopted by Council: Date _____

Form Approved by City Attorney

Adoption Certified by Council Secretary

By: _____

By: _____

Approved by Mayor: Date _____

Form Approved by Mayor for Submission to Council

By: _____

By: _____

